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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Attila Grauzer, et al. Examiner: Benjamin Layno
Serial No. 10/725,833 Group Art Unit: 3711
Filed: December 2, 2003 Docket No.: PA0941.ap.US
Title: DEVICE AND METHOD FOR FORMING AND DELIVERING HANDS
FROM RANDOMLY ARRANGED DECKS OF PLAYING CARDS

MAIL STOP APPEAL BRIEF - PATENTS

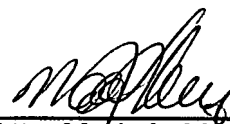
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The following documents are hereby submitted:

- ☒ Appeal Brief to the Board of Patent Appeals and Interferences of the United States Patent and Trademark Office (pages)
- ☒ Authorization to withdraw \$500.00 to cover Appeal Brief Fee of a large entity
- ☒ Transmittal Sheet
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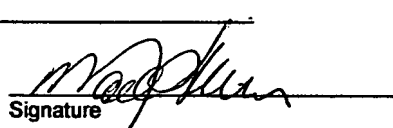
Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers if an additional extension of time is deemed necessary by the Office. Authorization is hereby given to charge Deposit Account Number 50-1391 if such additional extension is necessary.

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Appeal Brief – Patents, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on 22 June 2007

Mark A. Litman
Name


Signature

BRIEF ON APPEAL

Serial Number: 10/725,833

Filing Date: 2 DECEMBER 2003

Title: **DEVICE AND METHOD FOR FORMING AND DELIVERING HANDS FROM RANDOMLY
ARRANGED DECKS OF PLAYING CARDS**

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S/N 10/725,833

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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Applicant: Attila Grauzer et al.

Examiner: Benjamin Layno

Serial No.: 10/725,833

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**TITLE: DEVICE AND METHOD FOR FORMING AND DELIVERING HANDS
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MAIL STOP: APPEAL BRIEF - PATENTS

P.O. BOX 1450

Commissioner for Patents

Alexandria, VA22313-1450

Sir:

The U.S. Patent and Trademark Office is hereby authorized to debit any costs and fees associated with this Petition to Deposit Account No. 50-1391. Appellant(s) is submitting this single copy of the Appeal Brief in Compliance with the requirements of 37 CFR 41.37(c). Appellant requests a personal appearance at the Board of Appeals, but will defer payment of the fee until after receipt of the Examiner's Amendment.

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Mark A. Litman
Name

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REAL PARTY IN INTEREST

The real party in interest in this Appeal is the assignee of the full right, title and interest in this Application, Shuffle Master, Inc., having a place of business at 1106 Palms Airport Drive, Las Vegas, Nevada 89119-3730.

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RELATED APPEALS AND INTERFERENCES

The Appellant(s), the legal representative prosecuting this application and Appeal, and the assignee are not aware of any Appeals or Interferences that will directly affect or have a bearing on the Board's of Patent Appeals and Interferences decision in this pending Appeal.

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STATUS OF CLAIMS

Claims 36-43 have been allowed.

Claims 44-62 have been rejected under 35 USC 102(b) as anticipated by Kelly (US
Patent No. 5,431,399).

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STATUS OF AMENDMENTS

An amendment after final rejection was filed on 22 March 2007. Entry of the Amendment was refused as raising new issues. The amendments refused were in claims 51, 56, 61 and 61.

SUMMARY OF CLAIMED SUBJECT MATTER

The claimed technology in the independent claims is for methods provided by apparatus, specifically at least a method for delivering hands of randomly mixed cards from an apparatus. The method has steps of at least:

providing at least one deck of playing cards;

forming at least one set of playing cards within the apparatus from the at least one deck of playing cards; **(original claims 20-26)**

delivering to a single delivery tray from the at least one set of cards within the apparatus a first individual set of randomly mixed playing cards for use in a game, wherein the single delivery tray is separate from an area in the apparatus for the forming of the at least one set of playing cards; **(original claims 20-26 and FIGs. 1, 3 and 4)**

delivering to a player or dealer the first individual set of randomly mixed playing cards from the single delivery tray of the apparatus, with all playing cards in the first individual set delivered at the same time, and then providing a second individual set of randomly mixed playing cards into the single delivery tray.

(original claims 20-26, paragraph [0028-0030 of Published Application; and FIGs. 1, 3 and 4)

The claimed invention also relates to a method of forming individual random hands and delivering individual random hands, one-hand-at-a-time into a single delivery tray, as described in independent claims 51 and 56. The method is described as a method in an apparatus for delivering hands of randomly mixed cards. The hands are delivered by:

providing at least one deck of playing cards in the apparatus;

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forming a first group of randomly mixed playing cards in a single delivery tray,
with all cards in the group present in the single delivery tray at the same time;

removing the group of randomized cards from the single delivery tray; and

forming a second individual group of randomly mixed playing cards within the
same single delivery tray after the first group of randomized cards are removed and put
into play to form a hand for another player or dealer at the table in a single card game.

(original claims 20-16 and paragraph [0030-0033] of the Published Application)

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GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Solely for the purposes of expediting this Appeal and complying with the requirements of 37 C.F.R. 1.192(c)(7), the following grouping of claims is presented. This grouping of arguments is not intended to constitute any admission on the record that claims within groups may or may not be independently asserted in subsequent litigation or that for any judicial determination other than this Appeal, the claims may or may not stand by themselves against any challenge to their validity or enforceability.

Claims 44-62 have been rejected under 35 USC 102(b) as anticipated by Kelly, US Patent No. 5,431,399. It will be shown that Kelly does not anticipate the limitations of any one of these claims and that the rejection is clearly in error.

ARGUMENT

Claims 44-62 have been rejected under 35 USC 102(b) as anticipated by Kelley (US Patent No. 5,431,399). It is asserted that each and every limitation of the claims is anticipated by Kelley.

To give a background to the fundamental differences between the presently claimed invention and the disclosure of Kelly, the following significant limitations in the methods of the claims and the disclosure of Kelly must be appreciated.

First, Kelly teaches a device preferably for the use in a contract or tournament bridge game in which four hands are dealt at the same time into four separate compartments. All claims on Appeal recite the use of a single tray for the delivery of all cards that form hands. Each hand formed by Kelly at about the same time is removed from a separate compartment in the Kelly device and delivered to a hand can be provided by Kelly is to use multiple trays. Kelly removes all cards from a set of cards within an input area and forms hands by delivering cards **to multiple trays**. Without using multiple trays, the cards could not be arranged into a different order from that order originally in the input area. The present claims describe the delivery of multiple random hands at different times into a single tray.

Third, Kelly also delivers all cards from the set of cards into the four delivery trays, and does not retain any cards after the four hands have been formed. Certain claims call for the removal of a hand of cards from **the single delivery tray** and the delivery of another random hand of cards into that single delivery tray in a single hand of a game of cards. It is impossible for Kelly to function in the claimed manner as no cards are available for an additional hand. Kelly must deliver cards into multiple trays to form random hands.

The Examiner's Comments on Page 3 of the Final Rejection

The final rejection asserts, with natural emphasis that:

“...Kelley discloses an apparatus for delivering hands of randomly mixed cards. A deck of playing cards is provided in a loading area 2, 3, 4. An area 24 in the apparatus comprising a pinch roller 19, photo sensor 20, processor 26, motor 21, and displacement cam 22, **distributes the cards contributing to the forming** of at least one set (hand) of playing cards...col. 7, line 44 to col. 8, line 7. The apparatus further comprises a plurality of delivery trays or card receiving compartments 12. Thus there is **at least** a single delivery tray 12....The motor 21 and displacement cam 22 delivers a set of randomly mixed playing cards to a single delivery tray 12. The formed set of randomly mixed playing cards from the single delivery tray is manually withdrawn and delivered to a player, with all playing cards in the individual set delivered at the same time, col. 8, lines 11-14. A second set of randomly mixed playing cards is formed within the same delivery tray after the first set of cards is removed from the single delivery tray.”

Appellant respectfully points out that each of the numbers 2, 3 and 4 point to separate individual trays. With respect to claim 44, where there are two distinct steps of **a)** “forming at least one set of cards within the apparatus from the at least one deck of playing cards;” and **b)** “delivering to a single delivery tray from the at least one set of cards within the apparatus a first individual set of randomly mixed playing cards for use in a game.” Kelly cannot perform both of those steps. Kelly takes cards directly from the deck of cards and transports them directly to the four delivery trays. There is not and cannot be the intermediate step of forming a set of cards within the apparatus, and then delivering that set of cards to a single delivery tray. Claim 44 and every claim dependent therefrom cannot possibly be anticipated by Kelly.

The exact limitations in the claims that are not shown by Kelley will be specifically highlighted below, but a brief technical distinction between the two systems will be helpful in preparing for an appreciation of those arguments.

Kelley teaches a card shuffler in which cards are provided in a first card receiver and then cards are individually directed along a moveable chute to a multiplicity of card delivery trays 13. The system of Kelley cannot function without the multiplicity of card delivery trays, and direct transporting of cards from the card receiver to the multiplicity of delivery trays is the only hand forming mechanism shown.

The system of the presently claimed technology teaches a method in which cards are first provided in a first card receiver, and then cards are moved to form sets of randomized cards in multiple trays within the module, and then sets of cards are unloaded into a single delivery tray to form a hand that is then removed. Hands are removed one-at-a-time from the one and only delivery tray. Additional single hands are then formed in the same delivery tray after a previous hand was removed. As can be seen, the two mechanisms are substantively and functionally different.

Comparison of Kelley and Claims in This Application

CLAIM 44	KELLEY	COMMENTS
44. A method for delivering hands of randomly mixed cards from an apparatus comprising: providing at least one deck of playing cards;	A playing card distribution device with microprocessor and scanning circuits. The device has an enclosure 4 for holding a deck of cards	
forming at least one set of cards within the apparatus from the at least one deck of playing cards;	"Underneath this compartment are five holding receptacles with notched base 13 and end 12 to hold the cards after they pass through the device."	Multiple trays as shown in Figure 2 for removal of cards are required in all variations of Kelley. The hand forming compartments of Kelley can

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		be argued to be a plurality of card-receiving compartments.
<u>delivering to a single delivery tray from the at least one set of cards within the apparatus a first individual set of randomly mixed playing cards for use in a game;</u>	Kelley does deliver cards to at least one tray, but the claim requires that cards be delivered as a random set to a single tray. If Kelley delivers cards to only a single tray, they cannot be random, but will be in the original deck order.	This factor becomes of even greater importance in the next step in the claim, as the claim continues to require that cards be moved from a compartment to a single tray.
<u>delivering to a player or dealer the first individual set of randomly mixed playing cards from the single delivery tray of the apparatus, with all cards in the first individual set delivered at the same time, and then providing a second individual set of randomly mixed playing cards into the single delivery tray.</u>	There is absolutely no equivalent element or function in Kelley. There can be no anticipation.	To provide random cards in Kelley, cards must be delivered among the multiple trays in Kelley. Cards cannot be fed to a single tray, a hand removed, and then cards from the original deck placed into the same single delivery tray. If that were done, there would be absolutely no randomizing effect. Cards would be provided as hands as the first 13 cards from the original set, the second 13 cards, the third 13 cards, and the fourth 13 cards, without any variation.

As can be seen, Kelley operates in a fundamentally different manner and does not anticipate the claim. Kelley cannot replace cards in a single tray, because when a hand is removed, the complete deck has been dealt. Cards also cannot be placed randomly within a single tray, without other trays being used to collect random trays. This again disables any capability of the system to provide a subsequent hand to a single tray when the first

hand has been removed. This limitation is assured to be not anticipated by Kelley because of the limitation that "all cards in the first individual set delivered at the same time." As Kelley teaches his device solely for use with the card game of bridge, a hand is always 13 cards, and to reach that number in each tray of randomly distributed cards, the 52 cards in the deck must be exhausted from the input tray. A second hand could not be constructed within the single output tray, even if commanded by the system of Kelley, which it is not. **Claim 50, which is dependent from claim 44, is also clearly not anticipated by Kelly.**

**CLAIMS 45-49 ARE DEPENDENT FROM ALLOWED CLAIMS 38 AND 39 AND
THEREFORE CANNOT BE REJECTED OVER KELLEY**

Claims 45-49 have been erroneously included in this rejection. Each of these claims ultimately depends from allowed claims 38 and 39, further limits allowed claims 38 and 39, and therefore must be allowable.

Independent Patentability of Claim 51

51. (PREVIOUSLY PRESENTED) A method in an apparatus for delivering hands of randomly mixed cards comprising:

providing at least one deck of playing cards in the apparatus;

forming a first group of randomly mixed playing cards in a single delivery tray, with all cards in the group present in the single delivery tray at the same time;

removing the group of randomized cards from the single delivery tray; and

forming a second individual group of randomly mixed playing cards within the same single delivery tray after the first group of randomized cards are removed and put into play to form a hand for another player or dealer at the table in a single card game.

This claim requires that in a single card game, two separate randomly mixed cards are formed within a single tray. The claim is absolutely clear that the first hand and the second hand are formed in the same tray. Again, as argued above with respect to claim 44, Kelley must form separate hands of 13 cards at about the same time in each of the four trays to be able to form random hands. Once a random hand has been formed and completed in a single tray, no second hand is or can be formed in that single tray in the same card game. There is absolutely no teaching or capability of that step in Kelley.

The highlighted text is completely missing from Kelley. Claims 51 and claim 52 are not anticipated by Kelly.

Independent Patentability of Claim 53

53. (PREVIOUSLY PRESENTED) The method of claim 51 wherein after at least one individual hand is manually removed from the delivery tray, another individual hand is automatically delivered from the apparatus to the delivery tray.

The automatic function is completely absent from Kelley based upon the removal of cards. Kelley operates in a single initiated process with the entire deck exhausted in delivering the four hands of 13 cards each into the four trays.

The highlighted text is completely missing from Kelley.

As can be readily seen by the detailed literal comparison, every single independent claim contains substantive limitations that are not disclosed by Kelley. Numerous other dependent claims, even if dependent from claims that were anticipated by Kelley (which they are not), would not be anticipated because of their additional limitations.

These claims are not anticipated by Kelley.

INDEPENDENT PATENTABILITY OF CLAIM 56

56. (PREVIOUSLY PRESENTED) A method in an apparatus for delivering hands of randomly mixed cards comprising:

· providing at least one deck of playing cards in the apparatus;

randomly forming a group of playing cards in the apparatus;

transferring the randomly formed group of cards into a single delivery tray;

· removing the group of randomized cards from the single delivery tray;

forming a second individual group of randomly mixed playing cards within the same single delivery tray after the first group of randomized cards are removed and put into play.

Again, as discussed with respect to claim 44, there is no possibility for Kelly to randomly form a group of playing cards within the apparatus and then to deliver the random group of cards to a single delivery tray. The apparatus of Kelly can function only with direct delivery of cards from the original deck of cards into the four delivery trays.

Claim 58 also describes the delivery of hands automatically upon removal of a first hand. This is not taught by Kelly, so this claim 58 is independently patentable. Similarly, claim 59 recites that fewer than all cards in the deck placed into the apparatus are delivered to hands upon delivery of all hands. The apparatus of Kelly requires that all fifty-two cards be delivered as four distinct hands of 13 cards, one hand each at the same time in the four delivery trays. Claim 59 is separately patentable.

INDEPENDENT PATENTABILITY OF CLAIM 61

A method in an apparatus for delivering hands of randomly mixed cards comprising:

- providing at least one deck of playing cards in the apparatus;
- forming a first group of randomly mixed playing cards in a single delivery tray, with all cards in the group present in the single delivery tray at the same time;
- removing the group of randomized cards from the single delivery tray; and
- forming a second individual group of randomly mixed playing cards within the same single delivery tray after the first group of randomized cards are removed in the play of a single round of cards.**

The important and distinguishing aspect of this claim is that **during play of a single round of cards** (e.g., a single set of cards is dealt to all players and possibly a dealer), the single delivery tray is used to sequentially form separate hands of cards. This step is not taught by Kelly and cannot be performed by the disclosed apparatus of Kelly. In all functions of the Kelly device, in the play of a single round of cards, four hands are formed at approximately the same time, and each of the four hands is formed in a separate tray. When any hand is removed from one of the trays at the completion of the delivery of the four separate hands, the machine cannot respond in any manner, as all cards have been depleted from the input area.

Claim 61 absolutely requires that in the same round of play of a game, a sequence of random hands is delivered to a single tray, a second hand being delivered after the first hand is removed. This is a significant technical and commercial advantage over Kelly, and the process cannot be performed by Kelly. The device of Kelly can deliver only and exactly four hands of 13 cards each from a fifty-two card playing deck. There are no commercial casino table card games that always and only use that specific number of hands and specific number of cards. Most casino table card games allow a number of players from at least one up to a maximum of about eight in a casino table card

game. The present technology allows individual hands to be provided in a delivery tray, that hand removed, and another hand delivered to the same tray for delivery to another player or dealer. This enables the shuffler to provide individual random hands of a specific number of cards for any number of players at a table for any game of cards. This process cannot be performed by Kelly. **Claim 61 is not anticipated by Kelly.**

INDEPENDENT PATENTABILITY OF CLAIM 62

62. A method in an apparatus for delivering hands of randomly mixed cards comprising:
providing at least one deck of playing cards in the apparatus;
randomly forming a group of playing cards in the apparatus;
transferring the randomly formed group of cards into a single delivery tray;
removing the group of randomized cards from the single delivery tray;
**forming a second individual group of randomly mixed playing cards within
the same single delivery tray after the first group of randomized cards are removed
in the play of a single round of cards.**

Again, as discussed with respect to claims 44 and 58, there is no possibility for Kelly to randomly form a group of playing cards within the apparatus and then to deliver the random group of cards to a single delivery tray. The apparatus of Kelly can function only with direct delivery of cards from the original deck of cards into the four delivery trays. Claim 62 specifically requires that the second group of randomized cards is formed within the **single delivery tray** during play of a single round of cards. This is impossible in the device of Kelly as described above.

All claims have been shown to be novel over the disclosure of Kelly. All rejections must be reversed and all claims allowed.

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CONCLUSION

All rejections of record have been shown in detail to be in error. The rejection should be reversed and all claims should be indicated as allowable.

Applicants believe the claims are in condition for allowance and request reconsideration of the application and allowance of the claims. The Examiner is invited to telephone the below-signed attorney at 952-832-9090 to discuss any questions that may remain with respect to the present application.

Respectfully submitted,
ATILLA GRAUZER et al.

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Signature



CLAIMS APPENDIX

1-35 (CANCELLED)

36. (ALLOWED) An apparatus for handling cards comprising:

a card loading area for receiving a group of cards to be arranged within the apparatus into a plurality of randomized sets of cards and each randomized set of cards is delivered to a same single tray to form sets of cards to be used in a card game;

a shuffling chamber having a plurality of card-receiving compartments, wherein each compartment is able to receive more than one card within an opening of the card-receiving compartment, wherein the same single tray is separate from an area in the apparatus for the forming the plurality of randomized sets of cards,

a card moving system comprising two sequential single card moving components positioned for moving at least one card at a time from the card loading area into a card-receiving compartment,

the two sequential card single card moving components comprising a first single card moving component that moves at least a single card from the card loading area towards a second card moving component and the second card moving component receiving the individual card from the first card moving component, and

a microprocessor for controlling card movement; wherein the first single card moving component reduces moving forces against the single card when the second card moving component applies moving forces against the single card.

37. (ALLOWED) The apparatus of claim 36 wherein the card moving mechanism moves only one card at a time into a card-receiving compartment.

38. (ALLOWED) The apparatus of claim 36 wherein the each individual randomized set of cards is delivered to the tray, as a single delivery step, as a group of cards.

39. (ALLOWED) The apparatus of claim 37 wherein each card-receiving compartment receives cards comprising a set of cards selected from the group consisting of players' hands, dealer's hands, discards, and excess cards.

40. (ALLOWED) The apparatus of claim 36 wherein a separator is located between each adjacent card-receiving compartment, and there is an edge of the separator that a card moved into card-receiving compartments contacts before that card is fully inserted into a card-receiving compartment.

41. (ALLOWED) The apparatus of claim 36 wherein the shuffling chamber comprises a configuration selected from the group: a carousel, a vertical mixing stack and a fan shape.

42. (ALLOWED) The apparatus of claim 36, wherein each card-receiving compartment is of the same size.

43. (ALLOWED) The apparatus of claim 36, wherein not all of the card-receiving compartments are of the same size.

44. (PREVIOUSLY PRESENTED) A method for delivering hands of randomly mixed cards from an apparatus comprising:

providing at least one deck of playing cards;

forming at least one set of playing cards within the apparatus from the at
least one deck of playing cards;

delivering to a single delivery tray from the at least one set of cards within the apparatus a first individual set of randomly mixed playing cards for use in a game, wherein the single delivery tray is separate from an area in the apparatus for the forming of the at least one set of playing cards;

delivering to a player or dealer the first individual set of randomly mixed playing cards from the single delivery tray of the apparatus, with all playing cards in the first individual set delivered at the same time, and then providing a second individual set of randomly mixed playing cards into the single delivery tray.

45. (PREVIOUSLY PRESENTED) The method of claim 39 wherein individual sets of randomly mixed playing cards are delivered to the single delivery tray and the single delivery tray in the apparatus can be accessed so that two edges of cards in the delivery tray can be contacted by a hand of a dealer.

46. (PREVIOUSLY PRESENTED) The method of claim 45 wherein after at least one individual set of randomly mixed playing cards is manually removed from the delivery tray, another individual set of randomly mixed playing cards is delivered from the apparatus to the delivery tray.

47. (PREVIOUSLY PRESENTED) The method of claim 40 wherein the total number of cards in sets of randomly mixed playing cards are hands delivered from the apparatus, and the hands comprise a total number of cards that are less than the total of the at least one deck of cards.

48. (PREVIOUSLY PRESENTED) The method of claim 39 wherein at least one, but less than all individual sets of randomly mixed playing cards are a subset of cards that is delivered to a dealer as a hand.

49. (PREVIOUSLY PRESENTED) The method of claim 38 wherein each set of randomly mixed playing cards delivered from the apparatus to the tray is then delivered to a position on a gaming table that is distinct from a position where another set of randomly mixed playing cards is delivered from that same tray in a single card game.

50. (PREVIOUSLY PRESENTED) The method of claim 44 wherein all sets of randomly mixed playing cards are delivered to a storage area within the apparatus without removal of previous sets of randomly mixed playing cards from the storage area.

51. (PREVIOUSLY PRESENTED) A method in an apparatus for delivering hands of randomly mixed cards comprising:

- providing at least one deck of playing cards in the apparatus;
- forming a first group of randomly mixed playing cards in a single delivery tray, with all cards in the group present in the single delivery tray at the same time;
- removing the group of randomized cards from the single delivery tray; and
- forming a second individual group of randomly mixed playing cards within the same single delivery tray after the first group of randomized cards are removed and put into play to form a hand for another player or dealer at the table in a single card game.

52. (PREVIOUSLY PRESENTED) The method of claim 51 wherein each formed group of cards is a hand of cards.

53. (PREVIOUSLY PRESENTED) The method of claim 51 wherein after at least one individual hand is manually removed from the delivery tray, another individual hand is automatically delivered from the apparatus to the delivery tray.

54. (PREVIOUSLY PRESENTED) The method of claim 53 wherein the total number of cards in hands delivered from the apparatus comprise a total number of cards that is less than the total of the at least one deck of cards.

55. (PREVIOUSLY PRESENTED) The method of claim 51 wherein at least one, but less than all individual hands is a subset of cards that is delivered to a dealer as a hand and each hand delivered from the apparatus to the tray is then delivered to a position on a gaming table that is distinct from a position where another hand is delivered.

56. (PREVIOUSLY PRESENTED) A method in an apparatus for delivering hands of randomly mixed cards comprising:

- providing at least one deck of playing cards in the apparatus;

- randomly forming a group of playing cards in the apparatus;

- transferring the randomly formed group of cards into a single delivery tray;

- removing the group of randomized cards from the single delivery tray;

- forming a second individual group of randomly mixed playing cards within the same single delivery tray after the first group of randomized cards are removed and put into play.

57. (PREVIOUSLY PRESENTED) The method of claim 56 wherein each formed group of cards is a hand of cards.

58. (PREVIOUSLY PRESENTED) The method of claim 56 wherein after at least one individual hand is manually removed from the delivery tray, another individual hand is automatically delivered from the apparatus to the delivery tray.

59. (PREVIOUSLY PRESENTED) The method of claim 58 wherein the total number of cards in hands delivered from the apparatus comprise a total number of cards that is less than the total of the at least one deck of cards.

60. (PREVIOUSLY PRESENTED) The method of claim 56 wherein at least one, but less than all individual hands is a subset of cards that is delivered to a dealer as a hand and each hand delivered from the apparatus to the tray is then delivered to a position on a gaming table that is distinct from a position where another hand is delivered.

61. (PREVIOUSLY PRESENTED) A method in an apparatus for delivering hands of randomly mixed cards comprising:

providing at least one deck of playing cards in the apparatus;

forming a first group of randomly mixed playing cards in a single delivery tray, with all cards in the group present in the single delivery tray at the same time;

removing the group of randomized cards from the single delivery tray; and

forming a second individual group of randomly mixed playing cards within the same single delivery tray after the first group of randomized cards are removed in the play of a single round of cards.

62. (PREVIOUSLY PRESENTED) A method in an apparatus for delivering hands of randomly mixed cards comprising:

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providing at least one deck of playing cards in the apparatus;
randomly forming a group of playing cards in the apparatus;
transferring the randomly formed group of cards into a single delivery tray;
removing the group of randomized cards from the single delivery tray;
forming a second individual group of randomly mixed playing cards within the
same single delivery tray after the first group of randomized cards are removed in the
play of a single round of cards.

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EVIDENCE APPENDIX

Applicants did not submit any evidence during the prosecution of this application that must be considered in this Appeal.

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RELATED PROCEEDINGS APPENDIX

There are no related proceedings of which Applicants are aware that have any material bearing on the issues in this Appeal.